

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-23 are pending in the present application. Claims 1, 6-11, 17, and 21 are amended by the present amendment.

In the outstanding Office Action, Claims 1, 6-11, and 17 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1-7 and 11-16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hasegawa (U.S. Patent No. 5,862,476) in view of Onodera et al. (U.S. Patent Application Publication No. 2002/0052997, herein “Onodera”); Claims 17-23 were rejected under 35 U.S.C. § 103(a) as unpatentable over Uebayashi et al. (U.S. Patent--Application Publication No. 2002/0075817, herein “Uebayashi”) in view of Miyamoto et al. (U.S. Patent Application Publication No. 2002/0002063, herein “Miyamoto”); Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hasegawa, Onodera and Longoni (U.S. Patent Application Publication No. 2004/0213193); and Claim 10 was rejected under 35 U.S.C. § 103(a) as unpatentable over Hasegawa, Onodera, Longoni, and Ishii (U.S. Patent Application Publication No. 2004/0203734).

Applicant thanks Examiners Gelin and Desir for the courtesy of an interview extended to Applicant’s representative on August 23, 2005. During the interview, the differences between the claims and the applied art were discussed. Further, clarifying claim amendments, similar to those presented herewith, were also discussed. Examiners Gelin and Desir indicated that the discussed claim amendments appear to overcome the applied art. Arguments presented during the interview are reiterated below.

The abstract has been replaced with a new abstract that is consistent with amended Claim 1. No new matter has been added.

Regarding the rejection of Claims 1, 6-11, and 17 under 35 U.S.C. § 112, second paragraph, Claims 1, 6-11, and 17 have been amended to delete the term “in a certain case” and to clarify the claimed subject matter. No new matter has been added. Accordingly, it is respectfully requested this rejection be withdrawn.

Regarding the rejection of Claims 1-7 and 11-16 under 35 U.S.C. § 103(a) as unpatentable over Hasegawa in view of Onodera, independent Claims 1 and 11 have been amended to recite that a control information control part is configured to make a communication terminal unable to recognize control information sent by a base station when a predetermined condition is met. The claim amendments find support in the specification, for example at page 11, lines 7-27. No new matter has been added.

Briefly recapitulating, independent Claim 1 is directed to a base station which continuously transmits control information to at least one communication terminal in an area. The base station includes a control information generating part, a communications part, and a control information control part. The control information control part makes the communication terminal in the area unable to recognize the control information sent by the base station when a predetermined condition is met. Independent Claim 11 has been amended similar to independent Claim 1.

The claimed base station advantageously reduces a “call-loss rate in the whole system ... by utilizing a vacant channel-for-calling in a neighboring base station.”¹

The outstanding Office Action recognizes at page 3, first full paragraph, that “Hasegawa does not specifically disclose that the control information control part ... is for making the communication terminal in the area unable to recognize the control information by controlling at least one of the controlling information generating part and the communication part.”

¹ Specification, page 3, lines 11-18.

The outstanding Office Action relies on Onodera for teaching the above-noted feature missing in Hasegawa. Onodera discloses in paragraph [0009] that “[w]hen all communication channels of one radio base station are busy” the control signals from the one radio base station are interrupted. Further, Onodera discloses in paragraph [0010] that a circuit control device controls the communication system and directs the radio base station to start or to stop transmitting control signals of the respective radio base station.

However, as discussed during the interview, Onodera does not teach or suggest that a control information control part of the base station makes the communication terminal in the area unable to recognize the control information sent by the base station when a predetermined condition is met. In other words, the base station of Onodera completely stops sending control signals to the communication terminal while Claim 1 recites sending control information to the communication terminal.

Accordingly, it is respectfully submitted that independent Claims 1 and 11 and each of the claims depending therefrom patentably distinguish over Hasegawa and Onodera, either alone or in combination.

Regarding the rejection of Claims 17-23 under 35 U.S.C. § 103(a) as unpatentable over Uebayashi in view of Miyamoto, independent Claims 17 and 21 have been amended to recite that a first base station generates and transmits notification information to a second base station regarding a communication terminal. The claim amendments find support in the specification at page 19, lines 8-22. No new matter has been added.

As discussed during the interview, (i) the outstanding Office Action recognizes at page 22, first full paragraph, that Uebayashi lacks some of the claimed features, and (ii) Miyamoto teaches a controlling part 57 (see Figure 20) located outside the base stations 60-1 to 60-N that generates and transmits control information, which is different from amended Claims 17 and 21. In other words, Miyamoto does not teach or suggest a base station that

generates and transmits control information to another base station as requested by amended Claims 17 and 21.

Accordingly, it is respectfully submitted that independent Claims 17 and 21 and each of the claims depending therefrom patentably distinguish over Uebayashi and Miyamoto, either alone or in combination.

Regarding the outstanding rejections of Claims 8, 9, and 10 under 35 U.S.C. § 103(a) over various combinations of Hasegawa, Onodera, Longoni, and Ishii, those rejections are respectfully traversed because the additional applied art has been considered but does not overcome the deficiencies of Hasegawa and Onodera discussed above regarding independent Claim 1. Accordingly, it is respectfully submitted that dependent Claims 8-10 are also allowable.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870
Remus F. Fetea, Ph.D.
Limited Recognition No. L0037

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
EHK/RFF:aif